GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri K.L.Abishek S/o K.L.Rama Krishna, R/o Kalyandurg Village and Mandal, Ananthapur District, against the Proceedings Rc.No.MC3/1592/2006, dated 04.01.2010 of the District Collector, Anantapur- under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.MS.No. 25 Dated: 01-03-2016

Read the following:

1. Proceedings of the District Collector, Ananthapur, Rc. MC3/1592/2006, dt.04.01.2010.
2. Appeal Petition filed by Sri K.L.Abishek S/o K.L. Rama Krishna, R/o Kalyandurg (V & M) Ananthapur District before M(TW&RIAD), dt.31.8.2010.
3. Govt.MemoNo.7151/CV.2/2010,S.W.(CV.2) Department, dated 30.9.2010.
4. Order of the Hon'ble High Court, in W.P.M.P.No.27519/2010 in W.P. No. 21640/2010 dated 08.09.2010.
5. From the District Collector, Anathapur, Rc.MC3/8933/2010, dt.01.03.2011.
6. Govt. MemoNo.7151/CV.2/2010,S.W.(CV.2) Department, dt.31.03.2012 & 08.05.2015.
7. Govt.MemoNo.7151/CV.2/2010,S.W.(CV.2) Department, dated 22.05.2015.

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ORDER:

In the reference 1st read above the District Collector, Anantapur has issued orders canceling ST- Yerukula Caste Certificate obtained from the then Tahsildar, Kalyandurg on 2002 by Sri K.L.Abishek S/o K.L. Rama Krishna, Anantapur District.

2. In the reference 2nd read above, Sri K.L.Abishek S/o K.L. Rama Krishna, Anantapur District has filed an Appeal Petition before the Government against the said Proceedings of the District Collector, Anantapur . After examining the said Appeal Petition, Government have admitted the said Appeal Petition and called for the parawise remarks and connected records from the District Collector, Anantapur in the reference 3rd read above.

3. Sri K.L.Abishek S/o K.L. Rama Krishna, Anantapur District has filed W.P.M.P. No.27519/2010 in W.P. No. 21640/2010, before the Hon'ble High Court, against the said proceedings of the District Collector, Anantapur. In the reference 4th read above, the Hon'ble High Court of Andhra Pradesh, while disposing the said WP, in its order dated 08.09.2010 has ordered that the orders passed by the District Collector and Magistrate Anantapur in his proceedings Rc. No. MC3/1592/2006, dated 04.01.2010 shall stand suspended till the end of June 2011, so as to enable the writ petitioner to continue to prosecute his 4th year Engineering Course with the financial aid of State Government. The Writ petitioner shall not claim the benefit of his social status certificate for any other purpose other than for receiving financial aid from the State Government and his social status certificate is restored by the State Government.

4. In the reference 5th read above, the District Collector, Anantapur has furnished the Parawise remarks and connected records on the said Appeal Petition filed by Sri K.L.Abishek S/o K.L. Rama Krishna, Anantapur District.

[P.T.O]

5. The said Appeal Petition has been posted for hearing on 10.04.2012, 23.05.2015 and finally on 13.06.2015, the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 6th and 7th read above.

6. During the hearings after heard both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by District Collector, Anantapur and proceedings of the District Collector, Anantapur dated 04.01.2010, it is observed that the Appellant in his grounds has stated that he lost his father in tender age and his mother is suffering with mental disorder and for that reason he could not explained the customs and traditions of the community and also he is resident of Marempally colony, Kalyandurg Town. On perusal of entire record, it is observed that the Appellant has given false information about his residence and details of primary education. It is observed that the Tahsildar, Kalyandurg has reported that in the application form for issue of caste certificate submitted by his mother Smt K.N.N. Jayachandrika to the MRO, Kalyandurg, her address is mentioned as D.No.8/794, Marempalli Colony, Kalyandurg. But as per voters list of 2004 of Kalyandurg, the petitioiner's family never resided in any of the above addresses. With regard to the Ration card, the MRO, Kalyandurg in his letter dt.15.11.2005, stated that there is no entry in the Key-Register about his ration card in the name of K.N.N. Jayachandrika W/o Late Rama Krishna. Therefore, the petitioner has produced a Xerox copy of ration card which is a bogus one. Further it is observed that based on the report of the RDO, Dharmavaram, the Appellant has obtained the Integrated Caste Certificate as Yerukala ST on 23.07.2002 and got admission into the MBBS course through EAMCET-2005 and the Appellant and his Parents never resided in Kalyandurg village and their names are not found in village records, key registers of electoral of Kalayndurg. The findings of the enquiry clearly shows that the Appellant does not belong to Yerukala Community and he adopted fraudulent means to prove his caste status through ZPTC member, Kalyandurg i.e. Smt. Madhavi, her husband Sri Siva Prasad and Colleague Sri L.K. Neeladri Rao and also bringing Sri Y. Anjaneyulu of Yerukala Community. Though several opportunities were given to the Appellant to produce evidence before DLSC, he could not produce anything to prove that he belongs to Yerukala Caste.

7. Further it is also observed that the Government gave several opportunities to the Appellant to prove his caste but, the Appellant failed to produce record of evidence and other documents to support of his claim. The Appellant does not know the ethnographic details of Yerukala community such as surnames, clans, types of traditional marriages, communal practices, traditional gods and goddess etc., Further the record produced by the Appellant is mostly school certificates, which is generated based on the false declaration given by the parents, hence it can't be given any weightage. The Government have examined the entire record & material relevant to the instant case and it is opined that the Appellant obtained caste certificate fraudulently and the Appeal is devoid of any merits and there is no infirmity found either in the order of the learned DLSC or the District Collector, Anantapur.

8. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the Appeal Petition filed by Sri K.L.Abishek S/o K.L. Rama Krishna, Anantapur District, does not deserve any interference. Hence, Proceedings of the District Collector, Anantapur issued vide Rc.No.MC3/1592/2006, dt.04.01.2010, is hereby upheld and the Appeal Petition filed by Sri K.L.Abishek S/o K.L. Rama Krishna, is hereby dismissed and the Certificate issued by the then Tahsildar, Kalyandurg deemed to be cancelled.

[Contd…]

9. Consequently, the District Collector, Anantapur shall take necessary action in the matter.

10. The records (containing Rc.No.MC3/1592/2006, dt.04.01.2010, pages 01 to 210 cf, pages 1-21 nf) received from District Collector, Anantapur through in the reference 5th read above, are returned herewith in original to the District Collector, Anantapur and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S. SOLOMON AROKIARAJ
SPECIAL CHIEF SECRETARY TO GOVERNMENT(FAC)

To
The District Collector, Anantapur (w.e)
(with original records)

Sri K.L.Abishek S/o Rama Krishna,
R/o Kalyandurg Village and Mandal, Ananthapur District.

Sri Vijaya Bhaskar Moola, Advocate, #502-B Girisikara Plaza,
Ram Nagar Cross Road, Hyderabad-500020.

Copy to:
The Director, TCR & TI, A.P., Hyderabad.
The P.S. to Hon'ble Minister(SWE&TWE)
The P.S. to Special Chief Secretary to Government(FAC)(TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER